

JUN 02 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90187

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a magistrate judge made various improper rulings in his civil cases. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges that the judge improperly issued an order in one of complainant's cases assigned to another judge. While this too is merits related, the docket reveals that the matter was properly before the subject judge. This charge must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d at 1227.

Complainant also alleges that the judge was biased against him. But adverse rulings alone are not proof of bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant hasn't

provided any other objectively verifiable proof to support this allegation, it must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); see also In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant's requests for a hearing and for the Attorney General to investigate his allegations of criminal conduct are not cognizable in the misconduct complaint procedure. See Judicial-Conduct Rule 3(h). Complainant's allegations against defendants and court staff are not cognizable either; the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1144 (9th Cir. Jud. Council 2009).

This is not complainant's first meritless misconduct complaint. Complainant is advised that a "complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints." Judicial-Conduct Rule 10(a); see In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.